

**FILED**  
**JAN - 4 2010**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**DAVID JOSEPH ELKINS,**

Civil No. 08-1073-PK

Plaintiff,

**O R D E R**

v.

**FEDERAL AVIATION ADMINISTRATION,**

Defendant.

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David J. Elkins  
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Tampa, Florida 33614

Pro Se Plaintiff

Kent S. Robinson  
Acting United States Attorney  
District of Oregon

Kevin Danielson  
Assistant United States Attorney  
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Attorneys for Defendant

KING, Judge:


The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on November 18, 2009. Plaintiff filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak dated November 18, 2009 in its entirety.

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (#34) is denied. Plaintiff's Motion for In Camera Review (#62) is moot. Defendant's Motion for Summary Judgment (#56) is granted.

DATED this 4 day of Jan, 2010 ~~December~~, 2009.

  
GARR M. KING  
United States District Judge